# CCRB INVESTIGATIVE RECOMMENDATION

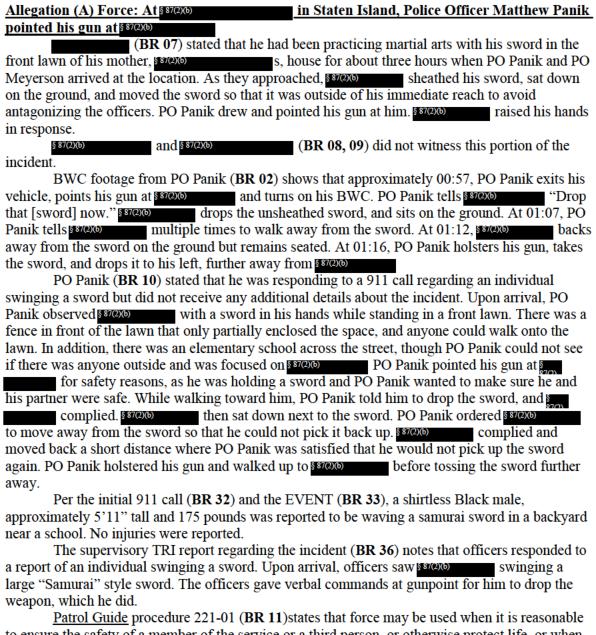
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Investigator:		Team:		CCRB Case #:	✓	Force	$\checkmark$	Discourt.		U.S.
Justin Huang		Squad #10		202300421	☑	Abuse		O.L.	V	Injury
Incident Date(s)		Location o	f Incident:			18 N	10. S0	OL	F	Precinct:
Wednesday, 01/04/2023 11:00 AM Wednesday, 01/04/2023 1:00 PM		§ 87(2)(b)	Medical Ce	nter		7/4	1/202	4		120
Date/Time CV Reported		CV Report	ted At:	How CV Reported:		Date/Time	e Reco	eived at CC	RB	
Wed, 01/04/2023 12:11 PM		IAB		Phone		Mon, 01/1	16/202	23 12:22 PM	Л	
Complainant/Victim	Туре	F	Iome Addre	ess						
Subject Officer(s)	Shield	T	axID	Command						
1. PO Matthew Panik	06368	9	61064	120 PCT						
2. PO Michael Meyerson	04186	9	56931	120 PCT						
3. Officers				120 PCT						
4. SGT Michael Simone	00710	9	48136	120 PCT						
5. PO Brandon Schneider	26859	9	67328	120 PCT						
6. PO Andrew Collette	29827	9	67012	120 PCT						
Witness Officer(s)	Shield N	o T	ax No	Cmd Name						
1. PO Jeffrey Mills	15526	95	56934	120 PCT						
2. PO David Mohlenhoff	10382	95	56105	120 PCT						
3. PO Vincent Mclaughlin	04409	95	59809	120 PCT						
Officer(s)	Allegatio	n				Inv	estiga	ator Recor	nme	ndation
A . PO Matthew Panik	Force: At Officer N			in Staten Island, Pol nis gun at § 87(2)(b)	ice					
B . PO Matthew Panik	Force: At Officer N	t § 87(2)(6) Matthew Par	nik used phy	in Staten Island, Pol sical force against §8	ice 7(2)(6					
C . PO Michael Meyerson	Force: At Officer N	t § 87(2)(b) Aichael Mey		in Staten Island, Pol physical force agains		7(2)(b)				
D . PO Matthew Panik		esy: At § 87(2) fficer Matth		in Staten Islan oke discourteously to		7(2)(ъ)				
E . PO Matthew Panik	Abuse: A Officer N use of for	Aatthew Par	nik threatene	in Staten Island, Po	lice ith t					
F . PO Brandon Schneider	Force: At Officer B \$87(2)(b)			in Staten Island, Pol- physical force again						
G . PO Andrew Collette	Force: At Officer A			in Staten Island, Pol sysical force against		(б)				

Officer(s)	Allegation	Investigator Recommendation
H . PO Matthew Panik	Force: At Staten Island, Police Officer Matthew Panik used physical force against Staten Island, Police	
I . PO Matthew Panik	Force: At \$87(2)(b) in Staten Island, Police Officer Matthew Panik used a chokehold against \$87(2)(b)	
J . PO Matthew Panik	Force: At \$87(2)(b) in Staten Island, Police Officer Matthew Panik restricted breathing.	
K . PO Matthew Panik	Discourtesy: At \$87(2)(b) in Staten Island, Police Officer Matthew Panik spoke discourteously to \$87(2)(b)	
L . SGT Michael Simone	Abuse: At \$87(2)(b) in Staten Island, Sergeant Michael Simone forcibly removed to the hospital.	
M . PO Brandon Schneider	Force: At Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Officer Brandon Schneider used physical force against Staten Island, Police Brandon Schneider used physical force against Staten Island, Police Brandon Schneider used physical force against Staten Island, Police Brandon Schneider used physical force Brandon Schneider used physical force against Staten Island, Police Brandon Schneider used physical force Brandon Schneider used p	
N . PO Andrew Collette	Force: At \$87(2)(b) in Staten Island, Police Officer Andrew Collette used physical force against \$87(2)(b)	
O . PO Brandon Schneider	Force: At \$87(2)(b) in Staten Island, Police Officer Brandon Schneider used physical force against \$87(2)(b)	
P. Officers	Abuse: At \$87(2)(b) in Staten Island, Officers refused to provide their shield number to \$87(2)(b)	
Q. Officers	Abuse: At \$87(2)(b) in Staten Island, Officers refused to provide their name to \$87(2)(b)	
R . PO Brandon Schneider	Abuse: At \$87(2)(b) Medical Center in Staten Island, Police Officer Brandon Schneider threatened to arrest \$87(2)(b)	
§ 87(2)(g), § 87(4-b)		

### Case Summary

On January 4, 2023, \$57(2)(6) filed this complaint on behalf of herself, her son
and his wife, second with IAB by phone, generating IAB log
It was received at the CCRB on January 16, 2023. On January 4, 2024, the
investigation received confirmation from the Department Advocate's Office (DAO) that no officers
had been interviewed by the NYPD in regard to this case, and officers were scheduled to begin
interviews on January 29, 2024. However, when PO Brandon Schneider and PO Michael Meyerson
appeared at the CCRB, they informed the investigation that they had been interviewed by the
NYPD and requested to listen to the recordings. As such, they were released. The next day, DAO confirmed that they did have the recordings, and officers were rescheduled. The case was further
delayed by ongoing scheduling issues with PO Matthew Panik, who had been consistently RDO
Monday through Friday. After obtaining scheduling assistance from Director Chris Denitto, PO
Panik was successfully interviewed on March 29, 2024.
On January 4, 2023, at approximately 11:00AM, Police Officers Michael Meyerson,
Matthew Panik, Andrew Collette, and Brandon Schneider, all of the 120th Precinct (PO Panik has
since been transferred to the First Deputy Commissioner's Office; PO Collette has since been
transferred to the Warrant Section), responded to a 911 call regarding an individual brandishing a sword at \$87(2)(0) in Staten Island. Upon arrival, PO Panik and PO Meyerson
observed \$87(2)6 holding a sword. PO Panik pointed his gun at \$87(2)6 (Allegation
A: Force – Gun Pointed, \$1000 PO Panik and PO Meyerson took
to the ground (Allegations B and C: Force – Physical Force, S87(2)(g)
PO Panik used profanity toward [887@) (Allegation D: Discourtesy – Word,
and threatened to Tase him (Allegation E: Abuse of Authority –
Threat of Force, \$87(2)(2) PO Collette and PO Schneider assisted in handcuffing \$87(2)(3) (Allegations F and G: Force – Physical Force, \$87(2)(3)
PO Panik utilized hand strikes to \$87(2)(6) body and face (Allegation H: Force
- Physical Force, \$87(2)(2) PO Panik allegedly used a chokehold and restricted
breathing (Allegation I: Force – Chokehold, \$87(2)(9) Allegation J: Force
- Restricted Breathing, 1810 PO Panik spoke discourteously to
(Allegation K: Discourtesy – Word, 120th P. Sgt. Michael
Simone, also of the 120 <sup>th</sup> Precinct, oversaw removal to the hospital (Allegation L: Abuse of Authority – Forcible Removal to the Hospital, save PO
Schneider and PO Collette lifted and escorted [18] to the ambulance (Allegations M and
N: Force – Physical Force, \$87(2)(8)  PO Schneider pushed \$87(2)(8)
(Allegation O: Force – Physical Force, SECOND Officers allegedly refused to
provide their shield numbers and names to [87(2)(0)] (Allegation P: Abuse of Authority –
Refusal to Provide Shield Number, 887(2)(2) Allegation Q: Abuse of Authority – Refusal to
Provide Name, \$87(2)(9)  That same day, at the \$87(2)(9)  Medical Center in Staten Island, at
That same day, at the Medical Center in Staten Island, at approximately 1PM, PO Schneider threatened to arrest (Allegation R: Abuse)
of Authority – Threat of Arrest, \$57(2)@
§ 87(2)(g), § 87(4-b)
was arrested for resisting arrest, obstruction of governmental administration, disorderly conduct, and violation of local law misdemeanor (BR 01).
The CCRB received BWC footage from the NYPD (BR 46, 47) and cell phone footage
from [87(2)6) (BR 48), the relevant portions of which will be discussed below.

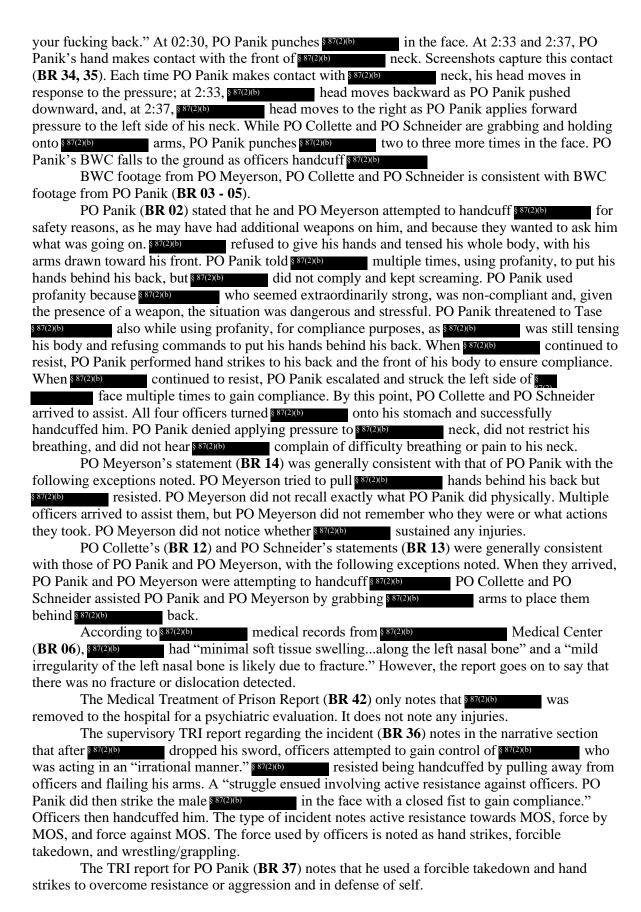
## **Findings and Recommendations**



to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or public from imminent serious physical injury or death. Drawing a firearm prematurely or unnecessarily limits a uniformed member of the service's options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present.

It was undisputed that was using his sword in the yard of his mother's home, which was near a school, and that PO Panik pointed his firearm at him upon approach. Although dropped the sword when he saw officers, sat on the ground, raised his hands, and

moved back from the sword, it was still generally within his reach as PO Panik approached.
Allegation (B) Force: At \$87(2)(6) in Staten Island, Police Officer Matthew Panik
used physical force against §87(2)(6)
Allegation (C) Force: At \$87000 in Staten Island, Police Officer Michael
Meyerson used physical force against \$87(2)(b)
Allegation (D) Discourtesy: At 187(2)(a) in Staten Island, Police Officer Matthew
Panik spoke discourteously to \$87200
Allegation (E) Abuse of Authority: At \$370,00 in Staten Island, Police Officer
Matthew Panik threatened [87(2)(b) with the use of force.
Allegation (F) Force: At \$87(2)(6) in Staten Island, Police Officer Brandon
Schneider used physical force against \$87(2)(6)
Allegation (G) Force: At 187(2) in Staten Island, Police Officer Andrew
Collette used physical force against \$87(2)(b)
Allegation (H) Force: At \$8700 in Staten Island, Police Officer Matthew Panik
used physical force against \$87(2)(6)
Allegation (I) Force: At \$1000 in Staten Island, Police Officer Matthew Panik
used a chokehold against \$87(2)(6)  Allogation (D. Foygot, At \$82(2)(6)
Allegation (J) Force: At STONE in Staten Island, Police Officer Matthew Panik
breathing.  (BR 07) stated that after he dropped the sword and sat down on the ground,
officers wrestled with him until he was "off halance" \$5000 felt three or four nunches to the
back of his head before losing consciousness. SECO did not have a coherent memory of the incident after the strikes to the head. SECO sustained a black eye with a ruptured blood
incident after the strikes to the head \$3000 sustained a black eye with a runtured blood
vessel. The bridge of \$3000 nose was fractured, and his septum was lacerated. He also
sustained a laceration on the inside of his upper lip. \$87(2)(6) did not note any use of profanity,
nor did he mention that officers restricted his breathing or applied pressure to his windpipe.
(BR 09) stated that she heard \$87(2)(6) scream out that officers
were harassing him and that he needed help. When she looked out the window, approximately six
officers were on top of \$3000 His sword was off to the side. \$3000 notified
and they both went outside, where she saw one officer punch several
and they both went outside, where she saw one officer punch several times in the nose, eye, and mouth, while another officer punched him in the back of the head.
was bleeding profusely from the mouth and sustained a black eye. After punching him, the
officers wrestled strong face-down into the mud and placed him in handcuffs.
(BR 08) stated that upon coming outside, she saw approximately six
officers "on top" of \$87(2)(0) but \$87(2)(0) was unable to elaborate on what she meant
by this action. PO Panik and another officer then punched several times in the back of
the head. Immediately afterwards, PO Panik and the other officers placed sarcon into
handcuffs.
BWC footage from PO Panik (BR 02) shows that at approximately 01:24, PO Panik and
PO Meyerson grab server arms while telling him to put his hands behind his back. At
01:29, PO Panik repeatedly says, "put your fucking hands behind your back" and "stop resisting."
PO Panik also punches back once. sagon does not comply with officers'
commands and keeps his arms close to his chest. At 01:51, PO Panik says, "I'm going to fucking
Tase you." At 02:02, PO Panik punches (1) in his upper chest once and says, "Put your
hands behind your fucking back!" continues to resist by keeping his wrists in front of
him and squirming around. At 02:27, PO Panik tells (370) "Put your fucking hands behind



CCRB Case # 202300421

The TRI report for PO Meyerson (BR 38) notes that he used a forcible takedown to overcome resistance or aggression.

The TRI reports for PO Schneider (BR 39) and PO Collette (BR 40) note that they used wrestling/grappling to overcome resistance or aggression.

A photograph of the injuries to serons face is documented in a supplemental TRI (BR 41).

Patrol Guide procedure 221-01 (BR 11) states that "force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody. In determining whether the use of force is reasonable, members of the service should consider the following: 1) The nature and severity of the crime/circumstances. 2)Actions taken by the subject. 3) Duration of the action. 4) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders. 5) Whether the subject is actively resisting custody. 6) Whether the subject is attempting to evade arrest by flight. 7) Number of subjects in comparison to the number of MOS. 8) Size, age, and condition of the subject in comparison to the MOS. 9) Subject's violent history, if known. 10) Presence of hostile crowd or agitators. 11) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence. Additionally, "MOS will use only the reasonable force necessary to gain control or custody of a subject," and are prohibited from using "any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault.

A chokehold shall include, but is not limited to, any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow. Officers are prohibited from using chokeholds.

<u>Patrol Guide</u> procedure 221-08 (**BR 44**) states that a CEW [Taser] should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) present.

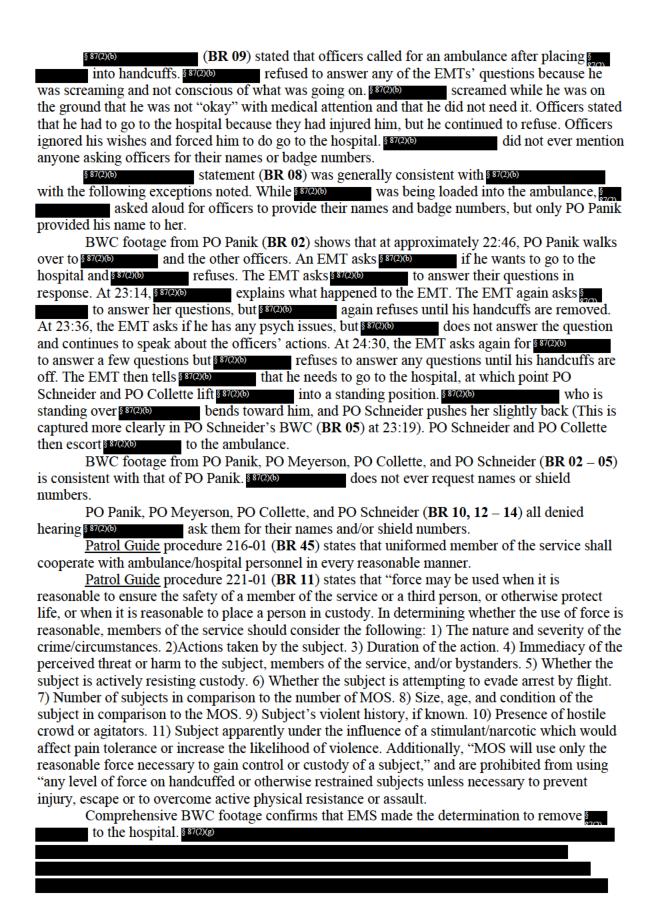
NYPD's disciplinary decisions "have consistently held that when a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the situation, the police officer's verbal slip does not rise to the level of actionable misconduct." <u>DAO-DCT</u> Case #2018-18951 (**BR 15**).

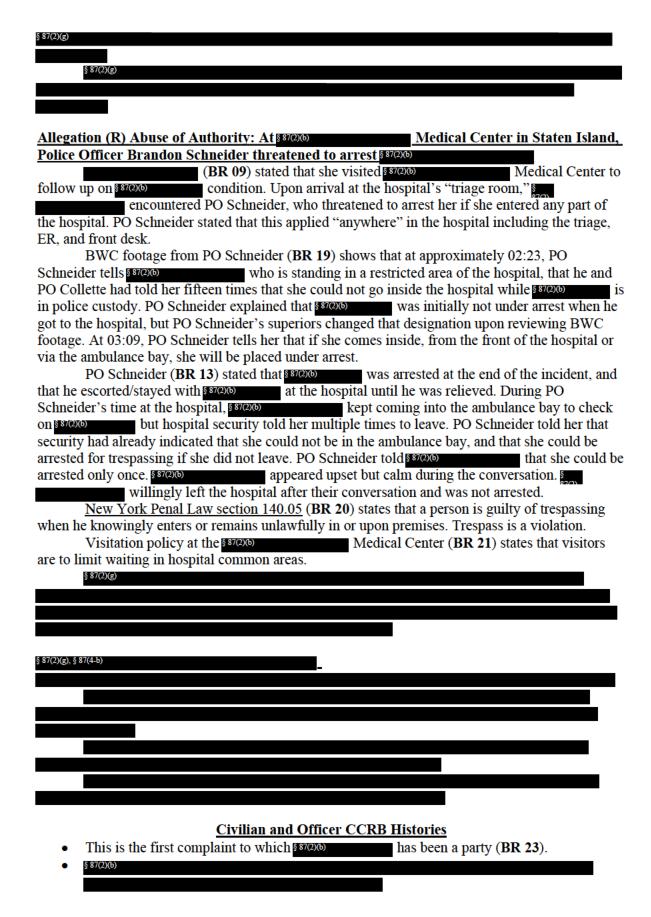
<u>DAO-DCT</u> Case #2015-15012 (**BR 16**) states that officers may use limited profanity towards civilians to gain control of a dynamic situation.

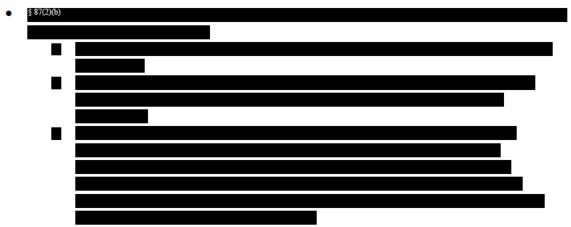
<u>Patrol Guide</u> procedure 200-02 (**BR 17**) states that officers are expected to maintain a higher standard of integrity than is generally expected of others.

While same recollection of the incident was poor, officers' statements, police
documentation, and BWC footage are all consistent in that satisfies resisted officers' attempts
to handcuff him and ignored verbal commands to comply, at which point PO Panik and PO
Meyerson pushed him further to the ground and PO Panik threatened to Tase him. When that threat
was ineffective, PO Panik utilized hand strikes to his torso while PO Meyerson, PO Schneider, and
PO Collette tried to pull \$87(2)(0) hands behind his back. \$87(2)(0) who officers noted
was especially strong, continued to resist, and PO Panik utilized hand strikes to his face, eventually
gaining his compliance. § 87(2)(g)
§ 87(2)(g)

It was undisputed that PO Panik made contact with the front and side of reck. Although PO Panik denied applying any pressure to the front or side of his neck, clear BWC shows that response to pressure PO Panik applied each time he made contact with the front and side of reck.
\$ 97/0\/->
§ 87(2)(g)
Allegation (K) Discourtesy: At \$87000 in Staten Island, Police Officer Matthew
Panik spoke discourteously to \$37200
BWC footage from PO Panik (BR 02) showed that at approximately 02:54, immediately
after PO Panik and other officers handcuff
on?" PO Panik tells her, "He was swinging around a fucking sword."
PO Panik ( <b>BR 10</b> ) stated that he made the abovementioned statement immediately after placing save in handcuffs. PO Panik wanted to make save was aware of what was
going on, especially since (\$700) was under the impression that the officers were there
without provocation and that the officers were arresting \$87(2)(6)
asserted that he was coming off a tense situation. PO Panik did not intend to be disrespectful to
in any way with his use of profanity.
NYPD's disciplinary decisions "have consistently held that when a police officer uses an
otherwise impolite word during a stressful street encounter where that officer is attempting to
maintain control of the situation, the police officer's verbal slip does not rise to the level of actionable misconduct." <u>DAO-DCT</u> Case #2018-18951 ( <b>BR 15</b> ).
DAO-DCT Case #2015-15012 (BR 16) states that officers may use limited profanity
towards civilians to gain control of a dynamic situation.
Patrol Guide procedure 200-02 (BR 17) states that officers are expected to maintain a
higher standard of integrity than is generally expected of others.
At the time PO Panik told (1970) "He was swinging around a fucking sword,"
officers had just handcuffed (1970) and PO Panik was only just standing up from the struggle
to restrain him. § 87(2)(g)
Allegation (L) Abuse of Authority: At \$30000 in Staten Island, Sergeant
Michael Simone forcibly removed to the hospital.
Allegation (M) Force: At \$870,00 in Staten Island, Police Officer Brandon
Schneider used physical force against \$87(2)(6)
Allegation (N) Force: At \$50,00 in Staten Island, Police Officer Andrew Collette used physical force against \$50,00
Allegation (O) Force: At \$87(2)(6) in Staten Island, Police Officer Brandon
Schneider used physical force against \$87(2)(6)
Allegation (P) Abuse of Authority: At \$5000 in Staten Island, officers refused
to provide their shield numbers to \$87(2)(6)
Allegation (Q) Abuse of Authority: At section in Staten Island, officers refused
It was an disputed that \$ \$7(2)(3) was removed to the \$\$7(2)(3) Medical
It was undisputed that \$87(2)(b) was removed to the \$87(2)(b) Medical Center.
(BR 07) did not remember what happened for much of the incident and that
his first coherent memory after being punched was when he was already at the hospital.







- PO Collette has been a member of service for five years and this is the first CCRB complaint to which he has been a subject.
- PO Schneider has been a member of service for five years and this is the first complaint to which he has been a subject.
- PO Meyerson has been a member of service for nine years and has been a subject in four CCRB complaints and eight allegations:
  - O Case #202208668 involved two substantiated allegations of an entry and failure to provide an RTKA card. The Board recommended Command Discipline A, and the NYPD imposed no penalty.
- PO Panik has been a member of service for eight years and has been a subject in six CCRB complaints and fourteen allegations, of which three have been substantiated:
  - Case #202207139 involved a substantiated allegation of a threat of removal to the hospital. The Board recommended Command Discipline B and the NYPD imposed no penalty.
  - Case #202208668 involved substantiated allegations of an entry and search of person. The Board recommended Command Discipline A and the NYPD imposed no penalty.
- Sgt. Simone has been a member of service for 15 years and has been a subject in two CCRB complaints and four allegations, none of which have been substantiated:

### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On April 3, 2024, a FOIL request was submitted to the Office of the Comptroller. Results will be attached upon receipt (BR 28).

•	[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
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#### **RPBP History**

This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.:	10		
Investigator:	Justin Huang	Investigator Huang	04/03/2024
	Signature	Print Title & Name	Date
Squad Leader:	Maura R. Roche	IM Maura R. Roche	04/04/2024
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date